

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DOUGLAS MITCHELL,

Plaintiff,

v.

CASE NO. 06-14296
HON. LAWRENCE P. ZATKOFF

ALLIED INTERSTATE, INC.,

Defendant.

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OPINION AND ORDER

On October 12, 2006, Defendant made an offer of judgment pursuant to Federal Rule of Civil Procedure 68. The offer was in the amount of \$1,151.00, plus costs and reasonable attorney fees incurred to date. On October 16, 2006, Plaintiff accepted the offer. Plaintiff has now submitted a petition requesting costs and attorney fees.

Plaintiff repeats his argument that it was improper, or negligent, for Defendant to make an offer of “reasonable attorney fees,” and that Defendant’s failure to offer a specific figure occasioned a great deal of additional work. The Court has already held that this argument is without merit. The Court will award Plaintiff attorney fees for the work done up to, and including, the acceptance of Defendant’s offer. The Court calculates the time spent to be 5.2 hours.

Plaintiff asks for attorney fees at a rate of \$350.00 per hour. However, in the opinion Plaintiff has included as support for his request, the court reduced an attorney’s rate from \$250.00 an hour to \$175.00 an hour. *See Houghton v. Cabrera & Associates*, case no. 04-70730 (E.D. Mich. May 9, 2005). The court held the reduction was warranted because of the relative simplicity of the case.

Likewise, the Court holds that a similar reduction is warranted in the instant case, because of its relative simplicity. Therefore, the Court will reduce the requested rate from \$350.00 an hour to \$200.00 an hour, and will award attorney fees of \$1,040.00 ($\200.00×5.2).

The Court will also award Plaintiff his requested costs of \$403.25. Accordingly, the Court will award Plaintiff a total amount of \$1,443.25 ($\$1,040.00 + \403.25).

IT IS SO ORDERED.

S/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: November 17, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on November 17, 2006.

S/Marie E. Verlinde
Case Manager
(810) 984-3290